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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,388	03/06/2002	Koji Imura	L9289.02139	2899

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EXAMINER

LEE, RICHARD J

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,388

Applicant(s)

IMURA ET AL.

Examiner

Richard Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-22 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species I: Figures 1 and 2;

Species II: Figure 3;

Species III: Figures 4 and 5; and

Species IV: Figure 7.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

Group I, Claims 1, 4, 9, 12, 15, 16, 19, and 22 are drawn to an image coding apparatus and method, an image transmission apparatus, a computer readable recording medium which stores an image coding program, a significance decision method, and a computer readable recording medium which stores a significance decision program, comprising detecting an amount of codes included in a plurality of macroblocks and deciding the significance in image decoding at a transmission end of the transmission unit according

to the detected amount of codes. Group II, Claims 2, 5, 7, 8, 10, 13, 17, and 20 are drawn to an image coding apparatus and method, an image transmission apparatus, a computer readable recording medium which stores an image coding program, a significance decision method, and a computer readable recording medium which stores a significance decision program, comprising counting a number of macroblocks and an amount of codes included in one transmission unit whenever a plurality of macroblocks coded in the coding means are generated as the one transmission unit, obtaining an average amount of codes per macroblock from the counted results, and deciding the significance in image decoding of the transmission unit at a transmission end according to the obtained average amount of codes. Group III, Claims 3, 6, 11, 14, 18, and 21 are drawn to an image coding apparatus and system, an image transmission apparatus, a computer readable recording medium which stores an image coding program, a significance decision method, and a computer readable recording medium which stores a significance decision program, comprising deciding the significance in image decoding of a transmission unit at a transmission end according to whether picture header information required for image decoding is included in a plurality of macroblocks whenever the plurality of macroblocks coded in the coding means are generated as one transmission unit.

No claim(s) are generic.

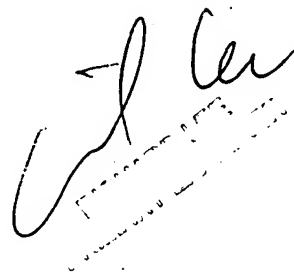
3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: The special technical features of Group I involve an image coding apparatus and method, an image transmission apparatus, a computer readable recording medium which stores an image coding program, a significance decision method, and a computer readable recording medium which stores a significance decision program, comprising detecting an amount of codes included in a plurality of macroblocks and deciding the significance in image decoding at a transmission end of the transmission unit according to the detected amount of codes. The special technical features of Group II involve an image coding apparatus and method, an image transmission apparatus, a computer readable recording medium which stores an image coding program, a significance decision method, and a computer readable recording medium which stores a significance decision program, comprising counting a number of macroblocks and an amount of codes included in one transmission unit whenever a plurality of macroblocks coded in the coding means are generated as the one transmission unit, obtaining an average amount of codes per macroblock from the counted results, and deciding the significance in image decoding of the transmission unit at a transmission end according to the obtained average amount of codes. The special technical features of Group III involve an image coding apparatus and system, an image transmission apparatus, a computer readable recording medium which stores an image coding program, a significance decision method, and a computer readable recording medium which stores a significance decision program, comprising deciding the significance in image decoding of a transmission unit at a transmission end according to whether picture header information required for image decoding is included in a plurality of macroblocks whenever the plurality of macroblocks coded in the coding means are generated as one transmission unit. Since the special technical feature of Group I is not present in Groups II

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and III, the special technical feature of Group II is not present in Groups I and III, and the special technical feature of Group III is not present in Groups I and II, unit of invention is lacking.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read "Richard Lee", is written over a rectangular stamp that is mostly illegible due to the handwriting.

Richard Lee/rl

3/10/05

A handwritten signature in black ink, appearing to read "Richard Lee", is written over the date "3/10/05".